IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 84 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/10/2004 in WP No. 12071 OF 2004 on the file of the High Court.)

Between:

1. G. Aruna, W/o. Srinivasulu,
R/o. Thimmareddipalem (V), Lingasamudram (M), Prakasam District.
2. M. Adivamma, W/o. Obulu Kondaiah,
R/o. Thimmareddipalem (V), Lingasamudram (M), Prakasam District.
3. R. Pushpavathi, W/o. Venkata Ramanareddy,
R/o. Thimmareddipalem (V), Lingasamudram (M), Prakasam District.
4. R. Eswaramma, W/o. Malyadri,
R/o. Thimmareddipalem (V), Lingasamudram (M), Prakasam District.
5. G. Vijayalakshmi, W/o. Malyadri,
R/o. Thimmareddipalem (V), Lingasamudram (M), Prakasam District.

..... APPELLANTS

AND

1. The District Collector, Prakasam District at Ongole.
2. The Revenue Divisional Officer, Kandukur, Prakasam District.
3. The Mandal Revenue Officer, Lingasamudram (M), Prakasam District.

.....RESPONDENTS

Counsel for the Appellant: Mr. SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Appellants' Writ Petition was dismissed, who had questioned only issuance of show-cause notice by the Mandal Revenue Officer. Challenge in the Writ Petition was the jurisdiction of the Mandal Revenue Officer to issue notice and conduct enquiry. Learned Single Judge dismissed the Writ Petition directing the petitioner-appellant to participate in the enquiry and raise this objection also before the Mandal Revenue Officer.

The learned counsel for the appellants submits that after patta had been granted, only the Revenue Divisional Officer is the authority and has jurisdiction and not the Mandal Revenue Officer for cancelling the patta. As a matter of fact, notice has been issued for conducting of enquiry. There is no order of cancellation so far, and, nothing prevents the appellants to question the final order ultimately to be passed, and, at this stage, there cannot be any interjection when only show cause notice has been issued. The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

28.1.2005

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M.NARAYANA REDDY, J.

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To

1. The District Collector, Prakasam District at Ongole.
2. The Revenue Divisional Officer, Kandukur, Prakasam District.
3. The Mandal Revenue Officer, Lingasamudram (M), Prakasam District.

4. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.